IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL REVISION APPLICATION NO.95/2002

Shri Raya Datta Chodankar, (deceased through his Legal Heirs :

1(A) Smt. Rajashree Raya Chodankar, major, widow of late Raya D. Chodankar;

1(B) Shri Rajesh Raya Chodankar, major, son of late Raya D. Chodankar, both resident of Tarwado, Colvale, Bardez, Goa. .... Applicant.

V/s.

Confraria of the Church of Colvale, represented by its Procurador, Shri Wyn Paul, of major age, resident of Colvale, Bardez, Goa. ..... Respondent.

Mr. C.R.S. da Silva, Advocate for the applicant.

Mr. Nitin Sardessai, Advocate for the respondent.

CORAM : P.V. HARDAS, J.

DATE : OCTOBER 25, 2002.

ORAL JUDGMENT :

This revision application arises against the order passed by the learned Addl. District Judge, at Mapusa dated 29.9.2001 in Misc. Civil Appeal No.31/2000, whereby the learned lower appellate Court, by a common order granted the relief of injunction, which was prayed for by the respondent/original plaintiff in Special Civil Suit No.206/1990/A. By the said order, the learned lower appellate Court set aside

the order of the learned trial Court dated 31.1.2000, by which the learned trial Court had dismissed the application for temporary injunction filed by the present respect/original plaintiff.

2. This revision, along with other connected matters, was heard for some time. Thereafter, the parties sought time for arriving at an amicable settlement. Accordingly, the learned Counsel representing the applicant and the respondent have placed on record the consent terms, which are signed by the constituted power of attorney of the legal heirs of the original applicant as well as the respondent and their respective Counsel. The attorney of the respondent was present in the Court, who admits to have signed these consent terms. The attorney for the legal heirs of the original applicant is also present and after verification states that these terms are agreeable.

3. In view of the consent terms, the order of the learned Addl. District Judge, at Mapusa in Misc. Civil Appeal No.31/2000 dated 29.9.2001 is, hereby, quashed and set aside. The parties are, however, directed to approach the learned trial Court and produce the consent terms and the learned trial Court is directed to pass appropriate orders.

4. In view of the consent terms, the Civil Revision Application is allowed and the impugned order is quashed and set aside, with no order as to costs.

P.V. HARDAS, J.

ssm.